

**REMARKS**

Applicant has carefully studied the outstanding Official Action mailed on April 22, 2010. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 1, 4-6, 8, 10, 13, 15 and 16 stand rejected under 35 USC §103(a) as being unpatentable over Feng et al. (US 6752754) in view of Kugler et al.

Claims 2-3 stand rejected under 35 USC §103(a) as being unpatentable over Feng et al. in view of Kugler et al. and further in view of Brooks et al. (US 4967844).

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Feng et al. in view of Kugler et al. and further in view of Carter et al. (US 5593443).

Claims 9 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Feng et al. in view of Kugler et al. and further in view of Kagan et al. (US 2004/0092892).

It is noted with gratitude that claim 12 has been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant wishes to express his gratitude to the Examiner for the courtesy of a telephone interview with Applicant's representative, David Klein, the undersigned, on May 5, 2010. The Examiner agreed the amendment to claim 1 defines over the cited art, pending further search. Claim 1 has been amended to recite that the distal extremities of the fixation elements, after entering the tissue, turn and point back towards the outer wall of the casing.

Accordingly, claims 1-13 and 15-16 are deemed allowable.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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